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June 6, 1997

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Federal Communications Commission
Office of Secretary

BY HAND

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: **Notice of Ex Parte Presentation**
Closed Captioning and Video Description of
Video Programming, MM Docket No. 95-176

Dear Mr. Caton:

This is to provide notice that Kent A. Rice, President and Chief Operating Officer of International Cable Channels Partnership, Ltd. ("ICCP"), Douglas Coblens, Senior Counsel of ICCP, and Robert L. Hoegle, counsel for ICCP, met on June 5 with the following persons regarding the above-referenced rulemaking: Meredith Jones, William H. Johnson, JoAnn Lucanik, John K. Adams, Marcia A. Glauberman, Pamela Gregory, and Alexis D. Johns. An original and one copy of this letter and enclosures are being submitted to you for inclusion in the record in this proceeding, and copies are being provided to each attendee.

During that meeting, we discussed the factual bases for a categorical exemption for foreign language networks from mandatory closed captioning. In addition to reviewing the facts set forth in ICCP's Comments and Reply Comments, filed in this proceeding on February 28 and March 31, 1997, we reviewed each of the factual subjects set forth in the enclosed "Multiple Foreign Language Programming Services: Factors Supporting Categorical Exemption." We also reviewed and discussed each of the following documents, copies of which were provided to the meeting attendees and are enclosed:

April - June '97 Programming Schedule for International Channel
and Program By Language / Special Programming; and

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List ABOVE

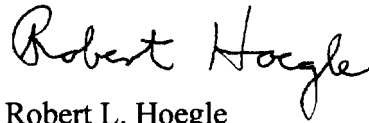
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Persons in the United States Speaking Foreign Languages
Programmed on the International Channel.

During the course of such review, we responded to questions from the Commission attendees regarding the data presented in the above documents.

If you have any questions regarding the above information or enclosures, please contact the undersigned.

Very truly yours,



Robert L. Hoegle

RLH:jsl
Enclosures

cc: Meredith Jones, Chief, Cable Services Bureau (w/encl.)
William H. Johnson, Deputy Chief (Policy), Cable Services Bureau (w/encl.)
JoAnn Lucanik, Chief, Policy and Rules Division (w/encl.)
John K. Adams, Esquire (w/encl.)
Marcia A. Glauberman, Senior Statistician (w/encl.)
Pamela Gregory, Esquire (w/encl.)
Alexis D. Johns, Esquire (w/encl.)

**MULTIPLE FOREIGN LANGUAGE PROGRAMMING SERVICES
FACTORS SUPPORTING CATEGORICAL EXEMPTION**

I. Foreign Language Content of International Channel ("IC").

- IC features programming in twenty-eight different Asian, European and Middle Eastern languages, including Arabic, Armenian, Cambodian, Cantonese, Czech, Dutch, Farsi, French, German, Greek, Hindi, Hmong, Hungarian, Italian, Japanese, Korean, Malayalam, Mandarin, Norwegian, Polish, Portuguese, Romanian, Russian, Slovenian, Swedish, Tagalog (Filipino), Thai and Vietnamese. (Comments, Ex. 1)

II. Extremely Limited Market and Distribution.

A. Foreign language programming services are targeted to narrow niche markets.

1. When persons speaking each of the 28 languages on IC are aggregated, they total less than 5.4% of the total United States population. (Reply Comments at 5, Ex. 1) Of course, cable television reaches less than 70% of television households, and IC is distributed to roughly 10% of cable households.
2. After seven years of promotion, IC has seven million subscribers. (Comments at 2)
3. The Commission already has concluded that foreign language services have limited distribution. (Video Programming Accessibility, Report, MM Docket No. 95-176, FCC 96-318 (rel. July 29, 1996), at ¶80.)

B. Potential revenues of foreign language services are severely limited. (Notice of Inquiry at ¶80)

1. Subscriber license fees are low.
2. Advertising spot rates are far less than the rates for English-language services with mass appeal, ranging from only \$50 to \$400 per 30-second spot. (Comments at 6)

III. De Minimis Audience Share.

A. Limited cable carriage constrains audience size.

B. IC has not achieved a ratable audience share.

IV. Very Limited Programming Budget.

- A. IC produces very little original programming.
- B. IC typically obtains foreign language programming at little or no charge or through barter arrangements. (Comments at 7)
- C. The cost of captioning foreign-language programming is likely to be “significantly higher than English-language captioning.” (Notice of Inquiry at ¶80) The cost of captioning would substantially exceed IC’s complete programming budget. (Comments at 7)

V. Lack of Repeat Value.

- A. More than half of the programming aired on IC is topical programming, including news, which has value only when aired contemporaneously with or shortly after its production. (Comments at 7)
- B. Consequently, captioning costs cannot be recouped through subsequent airings or syndication.

VI. Technical Problems and Unavailability of Foreign Language Captioners.

- A. More than 60% of IC’s programming is in non-Latin based languages which cannot be decoded by television sets used in the United States. Such languages include Arabic, Armenian, Cambodian, Chinese, Farsi, Greek, Hebrew, Hindi, Hmong, Japanese, Korean, Russian, Thai, and Vietnamese. (Comments at 4)
- B. Steno captioning equipment is not readily available for even Latin-based languages.
- C. There are virtually no captioners available for the foreign languages carried by IC. Captioning providers submitting comments confirmed the absence of foreign language captioning expertise. (See Comments of CAPTIVISION at 6; Comments of Media Captioning Services at 17; Comments of VITAC at 6-8; Notice of Inquiry at ¶80.) IC would require real-time captioning for over 85% of its programming.
- D. As the Commission has recognized, “it can be extremely difficult to assure the accuracy and quality of such multi-lingual captioning.” (Notice of Inquiry at ¶80)

VII. Complicated Moral Rights Issues.

- The captioning of foreign-language programming presents unique and complicated issues under international law protecting moral rights. (See Comments at 8-9)



APRIL - JUNE '97 PROGRAMMING SCHEDULE

International Channel® features news, variety, sports and entertainment in over **20 languages** and is available to more than **7 million households** throughout the United States, Latin America, the Caribbean, and the South Pacific.

ET	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	ET											
7:00 am	German Variety					TBA	TBA	7:00 am											
8:00	German News						United Nations	7:30											
8:30	Italian News ^(*)						Jewish News / Variety (English)	8:00											
9:00	Polish News																		
9:30	Scandinavian News / Variety (Danish, Norwegian, Swedish)																		
10:00						Portuguese Drama	Islam	10:00											
11:00						Caribbean Music	Armenian Variety	11:00											
11:30								12:00 pm											
12:00 pm																			
12:30																			
1:30						Farsi News / Variety	Farsi Variety	1:00											
3:00							Hungarian News / Variety	Romanian News / Variety	2:00										
3:30							Russian News / Variety		3:00										
4:30						Arabic Programming					International Sports	Italian Championship Soccer	5:00						
5:30						Arabic News													
6:00	French Culture / Variety																		
7:00	French News (Subtitled in English)																		
7:30						Championship Rugby (English)	7:00												
8:30								Greek News											
9:00														9:00					
10:00																			
11:00																			
11:30																			
12:00 am						French News Magazine									10:30				
12:30																			
1:30	Italian News							French Film Festival and Magazine (Subtitled in English)	Eastern European Cinema (Subtitled in English)	12:00 am									
2:00	Farsi News / Variety										2:00								
3:00																			
3:30	English																		
4:00						Arabic Variety	4:00												
4:30	Arabic News ^(*)																		
5:00	Russian News ^(*)								5:00										
5:30	French News (Subtitled in English) ^(*)																		
6:00																			
6:30								6:00											

For programming information call 1-800-440-3377
International Channel Website: www.icchannel.com

European



Program schedule subject to change

Designates Repeat Programming



International Channel

PROGRAM BY LANGUAGE / SPECIAL PROGRAMMING

Language Eastern Time	Hours Per Week	 Weekdays A.M.	 Saturday & Sunday
Arabic	8.5	Mon-Fri (4:30-5:00)	Sun 4:00-5:00 am
Armenian	1.0		Sun 11:00 am-12:00 noon
Cambodian (Mon-Khmer)	1.0		Sun 5:00-6:00 am
Cantonese (Chinese)	7.0		Sat 7:00-9:00 pm
Danish		See Scandinavian	
English	6.0	Fri 3:30-4:00	Sat 5:00-7:00 pm
			Sun 7:30-8:00 am
			Sun 10:00-11:00 am; 7:00-9:00 pm
Farsi (Persian)	10.0	Mon, Tues, Wed, Fri 2:00-3:30 Thurs 2:00-3:00	Sat 1:00-3:00 pm
French	11.0	Mon-Fri (5:30-6:00)	Sun 1:00-2:00 pm
German	7.5	Mon-Fri 7:00-8:30	Sat 10:30 pm-2:00 am
Greek	2.5		
Hindi (Indian)	13.0		
			Sat 3:00-5:00 pm
Hmong	1.0		Sun 2:00-5:00 pm
Hungarian	1.0		Sun 6:00-7:00 am
Italian	4.5	Mon-Fri 1:30-2:00 Mon-Fri (8:30-9:00)	
			Sun 5:00-7:00 pm
Japanese	8.5		
			Sat 9:00-10:30 pm
Jewish (English)	2.0		Sun 9:00-11:00 pm
Korean	11.0	Mon-Fri 10:00-11:00	Sun 8:00-10:00 am
Mandarin (Chinese)	17.0	Mon-Fri 6:00-6:30 Mon-Fri 11:00am-12:30 pm	Sun 11:00 pm-12:00 mid
			Sat/Sun 12:00-1:00 pm
Norwegian		See Scandinavian	
Polish	2.5	Mon-Fri 9:00-9:30	
Portuguese	1.0		Sat 10:00-11:00 am
Romanian	1.0		
Russian	5.0	Mon-Fri (5:00-5:30)	
Scandinavian	2.5	Mon-Fri 9:30-10:00	
Swedish		See Scandinavian	
Tagalog (Filipino)	8.0	Mon-Fri (4:00-4:30)	Sat 2:00-5:00 am
Thai	1.0		Sat 7:00-8:00 am
Vietnamese	6.0	Mon-Fri 12:30-1:30; (6:30-7:00)	Sat 6:00-7:00 am
Special Programming			
Anime (Japanese)	0.5		Sun 9:00-9:30 pm
Caribbean (English)	1.0		Sat 11:00 am-12:00 noon
Eastern European Cinema	4.0		Sun 12:00 mid-4:00 am
International Sports (Various)	2.0		Sat 5:00-7:00 pm
Rugby (English)	2.0		Sun 7:00-9:00 pm
Soccer (Italian)	2.0		Sun 5:00-7:00 pm
United Nations Chronicle (English)	0.5		Sun 7:30-8:00 am

**Persons in the United States Speaking
Foreign Languages Programmed on the International Channel**

Arabic	356,539
Armenian	149,694
Aslan Indian	555,106
Cambodian	125,352
Chinese	1,317,355
Czech	92,485
Danish	198,722
Dutch	142,884
Farsi	201,865
Filipino	834,931
French	1,929,932
German	1,547,495
Greek	388,214
Hmong	90,082
Hungarian	161,776
Italian	1,308,573
Japanese	433,934
Korean	637,713
Malayalam	33,949
Norwegian	198,722
Polish	723,548
Portuguese	430,553
Romanian	235,741
Russian	241,694
Slovenian	80,388
Swedish	198,722
Thai	232,896
Vietnamese	502,429

The foregoing population figures are based upon 1990 Census Data.